

REMARKS

Claims 1-27 are currently pending in the application. By this amendment, claims 1, 9, 25 and 26 are amended. Support for the amendment and the added claims are found in at least Figure 1, for example. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Entry of Amendment is Proper

Applicant submits that the amendments made herein should be entered into the record. As discussed with the Examiner during a telephonic interview on June 1, 2005, the above amendments do not raise new issues that need further search and/or consideration. The amendments made herein place the application in condition for allowance. No additional claims are added, without canceling a corresponding number of claims. Additionally, the amendments made herein are in response to the Examiner's queries.

Allowable Subject Matter

Applicant appreciates the indication that claims 16, 17 and 22-24 are allowed. Applicant further appreciates the indication that claim 15 contains allowable subject matter. Applicant also submits that the remaining claims are in condition for allowance for the reasons stated below.

Interview Summary

Applicant appreciates the courtesies extended to Applicant's representative by Examiner Fulton during a telephonic interview conducted on June 1, 2005. In view of the interview, Applicant has amended claim 1 to recite that the at least one projection is "spaced" away from the sidewalls of the recessed portion. In contrast, the Wilber reference includes steps, with each successive step abutting against and formed partly by the riser of the previous step. The step, as discussed during the interview, is not the same as the projection of claim 1. Also, the riser of each step is the sidewall of the recessed portion, and hence the steps are not spaced away from the sidewalls, as recited in the claimed invention. In fact, the risers, e.g., sidewalls, of Wilber are part of the steps.

Applicants also have amended claim 9 to comport with the amendment made to claim 1. In addition, claims 25 and 26 are amended. In claim 25, the downslope indicia is remote from both of the sidewalls. Again, Wilber does not show this feature. As to claim 26, the fixed measurement device includes a stepped portion and a flat reference surface which does not include a step. In Wilber, both sides of the recessed portion include steps.

In view of the above comments, Applicant requests the withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-14 and 18-21 and 25-27 over U.S. Patent No. 3,381,385 to Wilber.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Calderon', with a stylized flourish at the end.

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